

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

WORCESTER, ss.

Civil Action No. 04 CV 40071 NMG

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DAMON ASHER (Formerly Damon )  
Milhem) )  
Plaintiff, )  
v. )  
DISCOVER FINANCIAL )  
Defendant )

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**ASSENTED-TO MOTION OF  
DISCOVER FINANCIAL SERVICES,  
INC. TO FILE A RESPONSIVE  
PLEADING TO PLAINTIFF'S  
COMPLAINT**

Defendant, Discover Financial Services, Inc. ("Discover") hereby respectfully moves to extend the time for Discover to file a responsive pleading to the plaintiff's complaint to and including May 27, 2004.

As grounds for this motion, Discover states that Notice of Removal of the present action from the Leominster District Court was filed with this Court on May 7, 2004. On May 11, 2004, Plaintiff filed his Objection to Defendant's Notice of Removal, but Plaintiff's counsel has assented to this Motion.

Pursuant to Fed. R. Civ. P. 81(c), Discover would ordinarily have until May 12, 2004 to respond to the plaintiff's complaint. Prior to Discover filing its petition for removal, however, the plaintiff agreed to allow Discover until May 27, 2004 to file a responsive pleading. See correspondence of April 30, 2004, attached as Exhibit A. Discover requests that this court allow the previously agreed upon extension to serve as the date by which Discover must file a responsive pleading to the plaintiff's complaint.

WHEREFORE, Discover respectfully requests that this Court extend the time for Discover to file a responsive pleading to the plaintiff's complaint to and including May 27, 2004.

Respectfully submitted,

DISCOVER FINANCIAL SERVICES,  
INC.

By its attorneys,

/s/ Andrew J. Drayer

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Andrew J. Drayer, BBO#647192

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ASSENTED-TO BY:

PLAINTIFF, DAMON ASHER

By his attorney,

/s/ Kimberly J. Asher / (AJD by permission)

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Dated: May 11, 2004